

AMENDMENTS TO LB 543

Introduced by Business and Labor

1           1. Strike the original sections and all amendments  
2 thereto and insert the following sections:

3           Section 1. The Mechanical Safety Inspection Fund is  
4 created. All fees collected by the Department of Labor pursuant to  
5 the Nebraska Amusement Ride Act and the Conveyance Safety Act shall  
6 be remitted to the State Treasurer for credit to the Mechanical  
7 Safety Inspection Fund. Fees so collected shall not lapse into the  
8 General Fund. Fees so collected shall be used for the sole purpose  
9 of administering the provisions of the Nebraska Amusement Ride Act  
10 and the Conveyance Safety Act. Any money in the Mechanical Safety  
11 Inspection Fund available for investment shall be invested by the  
12 state investment officer pursuant to the Nebraska Capital Expansion  
13 Act and the Nebraska State Funds Investment Act. All funds existing  
14 in the Elevator Inspection Fund and the Nebraska Amusement Ride  
15 Fund on the operative date of this act shall be transferred to the  
16 Mechanical Safety Inspection Fund.

17           Sec. 2. Section 48-1809, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           48-1809 The commissioner shall establish by rules and  
20 regulations a schedule of permit fees not to exceed fifty dollars  
21 for each amusement ride. Such permit fees shall be established with  
22 due regard for the costs of administering the Nebraska Amusement  
23 Ride Act and shall be remitted to the State Treasurer for credit to

1 the Mechanical Safety Inspection Fund.

2           Sec. 3. Section 48-2501, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4           48-2501 Sections 48-2501 to 48-2533 and section 4 of this  
5 act shall be known and may be cited as the Conveyance Safety Act.

6           Sec. 4. Section 48-418, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8           ~~48-418~~ The Commissioner of Labor shall ~~on or~~ before the  
9 ~~first day of July 1965~~, appoint a state elevator inspector, subject  
10 to the approval of the Governor, who shall work under the direct  
11 supervision of the commissioner. The state elevator inspector  
12 serving on the operative date of this act shall continue to  
13 serve unless removed by the commissioner. The person so appointed  
14 shall be qualified by (a) not less than five years' experience  
15 in the installation, maintenance, and repair of elevators as  
16 determined by the commissioner, (b) certification as a qualified  
17 elevator inspector by an association accredited by the American  
18 Society of Mechanical Engineers, or (c) not less than five years'  
19 journeyman experience in elevator installation, maintenance, and  
20 inspection as determined by the Commissioner of Labor and shall  
21 be familiar with the ~~inspection process provided by the Nebraska~~  
22 ~~Elevator Code provided under section 48-418.12 and the inspection~~  
23 process and rules and regulations adopted and promulgated under the  
24 Conveyance Safety Act. The commissioner, subject to the approval  
25 of the Governor, may appoint deputy inspectors possessing the  
26 same qualifications as the state elevator inspector. A qualified  
27 individual may apply for the position of inspector or deputy

1 inspector and such application shall include the applicant's social  
2 security number, but such social security number shall not be a  
3 public record.

4 Sec. 5. Section 48-2503, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:

6 48-2503 (1) The Conveyance Advisory Committee is created.  
7 One member shall be the state elevator inspector appointed pursuant  
8 to section ~~48-418-~~ 4 of this act. One member shall be the State  
9 Fire Marshal or his or her designee. The Governor shall appoint the  
10 remaining members of the committee as follows: One representative  
11 from a major elevator manufacturing company; one representative  
12 from an elevator servicing company; one representative who is a  
13 building manager; one representative who is an elevator mechanic;  
14 and one representative of the general public from each county that  
15 has a population of more than one hundred thousand inhabitants. The  
16 committee shall be appointed within ninety days after January 1,  
17 2008.

18 (2) The members of the committee appointed by the  
19 Governor shall serve for terms of three years, except that of  
20 the initial members appointed, two shall serve for terms of one  
21 year and three shall serve for terms of two years. The state  
22 elevator inspector and the State Fire Marshal or his or her  
23 designee shall serve continuously. The appointed members shall be  
24 reimbursed for their actual and necessary expenses for service  
25 on the committee as provided in sections 81-1174 to 81-1177. The  
26 members of the committee shall elect a chairperson who shall be the  
27 deciding vote in the event of a tie vote.

1           (3) The committee shall meet and organize within thirty  
2 days after the appointment of the members. The committee shall meet  
3 quarterly at a time and place to be fixed by the committee for the  
4 consideration of code regulations and for the transaction of such  
5 other business as properly comes before it. Special meetings may be  
6 called by the chairperson or at the request of two or more members  
7 of the committee. Any appointed committee member absent from three  
8 consecutive meetings shall be dismissed.

9           Sec. 6. Section 48-2506, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:

11           48-2506 ~~(1) The Conveyance Inspection Fund is created.~~  
12 ~~The commissioner shall use the fund for the administration of the~~  
13 ~~Conveyance Safety Act. Fees collected in the administration of the~~  
14 ~~act shall be remitted to the State Treasurer for credit to the fund~~  
15 ~~and shall not lapse into the General Fund. Any money in the fund~~  
16 ~~available for investment shall be invested by the state investment~~  
17 ~~officer pursuant to the Nebraska Capital Expansion Act and the~~  
18 ~~Nebraska State Funds Investment Act.~~

19           ~~(2)~~ (1) The commissioner shall, after a public hearing  
20 conducted by the commissioner or his or her designee, establish a  
21 reasonable schedule of fees for licenses, permits, certificates,  
22 and inspections authorized under the Conveyance Safety Act. The  
23 commissioner shall establish the fees at a level necessary  
24 to meet the costs of administering the act. Inspection fee  
25 schedules relating to the inspection of conveyances adopted by  
26 the commissioner prior to the operative date of this act shall  
27 continue to be effective until they are amended or repealed by the

1 commissioner.

2 (2) The commissioner shall administer the Conveyance  
3 Safety Act. It is the intent of the Legislature that, beginning  
4 in fiscal year 2008-09, the funding for the administration of the  
5 act shall be entirely from cash funds remitted to the Conveyance  
6 Inspection Fund. Mechanical Safety Inspection Fund that are fees  
7 collected in the administration of the act.

8 Sec. 7. Section 48-2507, Revised Statutes Cumulative  
9 Supplement, 2006, is amended to read:

10 48-2507 (1) The Conveyance Safety Act applies to the  
11 ~~design~~, construction, operation, inspection, testing, maintenance,  
12 alteration, and repair of conveyances. Conveyances include the  
13 following equipment, associated parts, and hoistways which are not  
14 exempted under section 48-2508:

15 (a) Hoisting and lowering mechanisms equipped with a car  
16 which moves between two or more landings. This equipment includes  
17 elevators;

18 (b) Power driven stairways and walkways for carrying  
19 persons between landings. This equipment includes:

20 (i) Escalators; and

21 (ii) Moving sidewalks; and

22 (c) Hoisting and lowering mechanisms equipped with a car,  
23 which serves two or more landings and is restricted to the carrying  
24 of material by its limited size or limited access to the car. This  
25 equipment includes:

26 (i) Dumbwaiters;

27 (ii) Material lifts and dumbwaiters with automatic

1 transfer devices; and

2 (iii) Conveyors and related equipment within the scope of  
3 American Society of Mechanical Engineers B20.1.

4 (2) The act applies to the ~~design~~, construction,  
5 operation, inspection, maintenance, alteration, and repair of  
6 automatic guided transit vehicles on guideways with an exclusive  
7 right-of-way. This equipment includes automated people movers.

8 (3) The act applies to conveyances in private residences  
9 at the time of installation. Such ~~and such~~ conveyances are  
10 subject to inspection at installation, but ~~and~~ are not subject to  
11 periodic inspections.

12 Sec. 8. Section 48-2512, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14 48-2512 (1) No person shall wire, alter, replace, remove,  
15 or dismantle an existing conveyance contained within a building  
16 or structure located in a county that has a population of more  
17 than one hundred thousand inhabitants unless such person is a  
18 licensed elevator mechanic or he or she is working under the  
19 direct supervision of a person who is a licensed elevator mechanic.  
20 Neither a licensed elevator mechanic nor a licensed elevator  
21 contractor is required to perform nonmechanical maintenance of  
22 a conveyance. Neither a licensed elevator contractor nor a  
23 licensed elevator mechanic is required for removing or dismantling  
24 conveyances which are destroyed as a result of a complete  
25 demolition of a secured building.

26 (2) It shall be the responsibility of licensed  
27 elevator mechanics and licensed elevator contractors to ensure

1 that installation and service of a conveyance is performed in  
2 compliance with applicable fire and safety codes. It shall be the  
3 responsibility of the owner of the conveyance to ensure that the  
4 conveyance is maintained in compliance with applicable fire and  
5 safety codes.

6 (3) All new conveyance installations shall be performed  
7 by a licensed elevator mechanic under the control of a licensed  
8 elevator contractor or by a licensed elevator contractor.  
9 Subsequent to installation, a licensed elevator contractor shall  
10 certify compliance with the Conveyance Safety Act.

11 Sec. 9. This act becomes operative on January 1, 2008.

12 Sec. 10. Original section 48-1809, Reissue Revised  
13 Statutes of Nebraska, and sections 48-418, 48-2501, 48-2503,  
14 48-2506, 48-2507, and 48-2512, Revised Statutes Cumulative  
15 Supplement, 2006, are repealed.

16 Sec. 11. The following sections are outright repealed:  
17 Sections 48-418.01, 48-418.02, 48-418.03, 48-418.05, 48-418.06,  
18 48-418.07, 48-418.08, 48-418.10, 48-418.11, 48-418.12, 48-418.14,  
19 and 48-1810, Reissue Revised Statutes of Nebraska, and sections  
20 48-418.04, 48-418.09, and 48-2505, Revised Statutes Cumulative  
21 Supplement, 2006.